

ALLOWANCE

Double Patenting

The nonstatutory obviousness-type double patenting rejection of claims 25, 27 - 29, 31, 35, 36, 48, and 49 as being unpatentable over claims 24 - 34 of copending Application No. 10/568,154 (now US 7,767,037) has been withdrawn in view of the Terminal Disclaimer filed September 20, 2010.

Terminal Disclaimer

The terminal disclaimer filed on September 20, 2010 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 7,767,037 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa Lint on September 16, 2010.

The application has been amended as follows:

Replace Claim 36 with the following:

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Claim 36: The high strength stainless seamless steel pipe according to claim 25, wherein the residual austenite phase is present in an amount of 4.1% to about 30% by volume.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the independent claim 25 is distinct from the closest prior art of JP 2001-140040 (hereinafter JP '040). The closest prior art of JP '040 does not specifically teach the presence of residual austenite in the stainless seamless steel pipe as recited in amended claim 25. In addition, the presence of residual austenite would not be an inherent feature in the steel pipe of JP '040 because JP '040 does not give enough guidance on the heating and cooling steps of the steel which affect the final microstructure of the steel. In addition, JP '040 teaches in [0038] that a tempering step is not performed in order to achieve economical efficiency, whereas a tempering step is required in amended claim 25 in order to achieve the claimed amount of tempered martensite. Claim 25 also differs from JP '040 because JP '040 teaches a maximum amount of 15% Cr in the steel and teaches away from increasing the amount of Cr above 15% because it would then be necessary to increase the quantity of alloy elements, such as expensive nickel which is a martensite stabilization element, and economical efficiency would be spoiled. Thus, it would not have been obvious to one of ordinary skill in the art to increase the amount of Cr in the alloy of JP '040. Therefore, the present invention is patentably distinct from the closest prior art.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAITLIN FOGARTY whose telephone number is (571)270-3589. The examiner can normally be reached on Monday - Friday 8:00 AM - 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Roy King/
Supervisory Patent Examiner, Art
Unit 1793

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